

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIANO VITO ACUNA,
Plaintiff,
v.
G. MATTESON,
Defendant.

Case No. [20-cv-01902-JSC](#)

ORDER OF TRANSFER

Petitioner, a California prisoner proceeding pro se, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition challenges the validity of his conviction from Tehama County Superior Court.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

As Petitioner challenges the validity of his conviction, the proper venue for his petition is the district in which he was convicted. Tehama County is located within the venue of the Eastern District of California. *See* 28 U.S.C. § 84.

Accordingly, in the interest of justice, this case is TRANSFERRED to the United States District Court for the Eastern District of California. In light of this transfer, ruling on Petitioner's

1 application to proceed in forma pauperis is deferred to the Eastern District. The Clerk shall
2 terminate this motion from this Court's docket (docket number 2), and shall transfer this matter
3 forthwith.

4 **IT IS SO ORDERED.**

5 Dated: April 15, 2020

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8 JACQUELINE SCOTT CORLEY
9 United States Magistrate Judge
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United States District Court
Northern District of California

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CERTIFICATE OF SERVICE

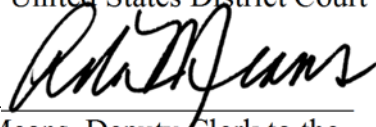
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 15, 2020, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Juliano Vito Acuna ID: AM7465
CSP-Solano
P.O. Box 4000
Vacaville, CA 95696-4000

Dated: April 15, 2020

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY